

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.7, 147.76 and 157.14, the Board of Cosmetology Arts and Sciences (Board of Cosmetology) hereby amends Chapter 61, “Licensure of Salons and Schools of Cosmetology Arts and Sciences,” and Chapter 63, “Sanitation for Salons and Schools of Cosmetology Arts and Sciences,” Iowa Administrative Code.

These amendments promote a more business-friendly environment for cosmetology salons in the state of Iowa by reducing regulation in a number of areas. The amendments also continue to ensure that salon regulations are sufficient to protect the health and safety of salon clients.

These amendments remove the current requirement to keep jars of disinfectant at each work station and replace it with a requirement to keep disinfectant centrally available for use in a salon dispensary. The amendments do not prohibit salon owners from continuing the current practice, but provide additional flexibility while still requiring disinfection of used implements prior to use of the same implements on another client.

Additionally, these amendments eliminate the current requirement to use disinfectant containing a tuberculocidal agent and replace it with a requirement to use an EPA-registered disinfectant instead. The requirement to use disinfectant with a tuberculocidal agent was added to the administrative rules over 20 years ago, during the height of the AIDS epidemic. More and more states are moving away from requiring the use of tuberculocidal disinfectant, opting instead to require EPA-registered disinfectants, due to a common belief that the tuberculocidal disinfecting agents are too harsh for use in the salon environment. Iowa is one of only six states (Virginia, New Jersey, Tennessee, Vermont, Minnesota and Iowa) that still require the use of a tuberculocidal agent for disinfection of implements and surfaces in salons and schools. Minnesota, like Iowa, has also recently proposed changes to its requirements to remove the tuberculocidal agent requirement.

These amendments update the disinfection rules to reflect that immersion is not a realistic method of disinfection for certain implements, such as clippers and shears, and allow for the use of disinfecting wipes or sprays in situations where immersion is not feasible. Further, these amendments combine the disinfection and sterilization rules into one rule for the purpose of regulatory clarity.

Finally, these amendments remove the requirement to post the administrative rules regulating salon sanitation in the front of the salon and replace the requirement with a more business-friendly rule requiring provision of the information to salon clients upon request. The previous posting regulation was burdensome and no longer necessary due to the ready availability of the regulations over the Internet.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2465C** on March 16, 2016. A public hearing was held on April 6, 2016. No public comment was received.

The Board of Cosmetology incorporated suggestions by the Administrative Rules Review Committee and added the requirement that electrologists wear gloves when providing services due to the high likelihood of exposure to blood.

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions in 645—Chapter 18.

The Board of Cosmetology adopted these amendments on May 23, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 147, 157, and 272C.

These amendments will become effective August 15, 2016.

The following amendments are adopted.

ITEM 1. Amend subrules 61.5(2) and 61.5(3) as follows:

61.5(2) The most current salon license renewal card shall be posted in the salon front entrance area at eye level so that it is visible to provide the public a full, unobstructed view of the license. Photo and electronic copies are not acceptable.

61.5(3) The most current license renewal card for each licensee working in the salon shall be ~~visibly displayed~~ posted in the salon front entrance area at eye level to provide the public a full, unobstructed view of the license. Photo and electronic copies are not acceptable.

ITEM 2. Amend **645—Chapter 63**, title, as follows:

**SANITATION INFECTION CONTROL FOR SALONS AND SCHOOLS OF COSMETOLOGY
ARTS AND SCIENCES**

ITEM 3. Amend rule 645—63.1(157) as follows:

645—63.1(157) Definitions. For purposes of these rules, the following definitions shall apply:

“Cleaning” refers to removing visible debris and disposable parts, washing the surface or item with water and soap or detergent, rinsing the surface or item thoroughly and drying the surface or item. Cleaning must occur before disinfection can begin.

“Disinfectant” means an agent an EPA-registered bactericidal, virucidal, fungicidal, pseudomonacidal chemical solution, spray or wipe that is effective against HIV-1 and human hepatitis B virus and is intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi, but not necessarily their spores, on inanimate nonporous items and surfaces.

“Disinfection” means the procedure that kills pathogenic microorganisms, but not necessarily their spores.

“Dispensary” means a separate physical location or area in a salon or school to be used for the storing and dispensing of supplies and sanitizing cleaning and disinfecting of all implements. The dispensary is where products, chemicals and disinfectants are prepared, measured, mixed, portioned, and disposed of.

“FDA” means the federal Food and Drug Administration.

“Germicide” means an agent that destroys germs.

“Nonporous” means an item that lacks minute openings or crevices that keep air, water and bacteria from entering the item.

“Porous” means an item that contains minute openings or crevices that allow air, water and bacteria to enter the item, such as untreated wood, paper and cardboard.

“Sanitization” means the procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

“School” means a school of cosmetology arts and sciences.

“Sterilization” means the procedure that kills all microorganisms, including their spores.

“Universal precautions” means practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

“Wash hands” means the process of thoroughly washing hands and the exposed portions of the arms up to the elbow with soap or detergent and water and drying with a single-use towel or air dryer. Bar soap shall not be set out for common use.

ITEM 4. Rescind rule 645—63.2(157) and adopt the following **new** rule in lieu thereof:

645—63.2(157) Infection control rules and inspection report. Upon request, the licensee shall make Chapter 63, Infection Control for Salons and Schools of Cosmetology Arts and Sciences, and the most recent inspection report available to the board, agents of the board, all persons employed or studying in a salon or school, and the general public.

ITEM 5. Amend rule 645—63.6(157) as follows:

645—63.6(157) Building standards. Salons and schools shall have and maintain:

1. A service area that is equipped with exhaust fans or air filtration equipment that is of sufficient capacity to be capable of removing chemical fumes from the air;

2. ~~An area for the storing and dispensing of supplies and sanitizing of all implements~~ A dispensary;
3. A reception area;
4. Hot and cold running water and clean lavatory facilities;
5. Safe drinking water;
6. Hand-washing facilities;
7. Adequate lighting;
8. Work surfaces that are easily cleaned; and
9. A complete first-aid kit in a readily accessible location on the premises. At a minimum, the first-aid kit must include adhesive dressings, gauze and antiseptic, tape, triple antibiotics, eyewash, and gloves.

ITEM 6. Amend subrules 63.11(1) and 63.11(2) as follows:

63.11(1) Students and licensees shall thoroughly wash hands ~~and the exposed portions of arms up to the elbow with antibacterial soap and water after smoking, eating, or using the restroom and~~ before providing services to each client. Hand sanitizers or gloves are not an acceptable substitute for hand washing.

63.11(2) Every salon shall have a biohazard sharps container for disposing of used needles, razor blades and other sharp instruments. These containers shall be located as close to the use area as is practical. These containers shall not be filled above designated "fill line" and shall be disposed of in accordance with guidelines issued by the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

ITEM 7. Rescind and reserve subrule **63.11(3)**.

ITEM 8. Amend subrules 63.11(4), 63.11(5), 63.11(7) and 63.11(8) as follows:

63.11(4) Licensees and students shall wear disposable gloves ~~to prevent exposure to blood, bodily fluids containing visible blood, or bodily fluids to which universal precautions apply~~ or may refuse to provide the service when encountering clients with open sores. Gloves shall only be used on a single client and shall be disposed of after the client's service. Anytime gloves are used during a service, licensees and students shall wash hands both before gloves are worn and after they are removed.

63.11(5) Licensees and students shall refrain from all direct client care and from handling client-care equipment if the licensee or student ~~has weeping dermatitis or draining lesions~~ open sores that cannot be effectively covered.

63.11(7) Instruments and supplies that have been used on a client or soiled in any manner shall be placed in the proper receptacles: clearly labeled "used." All used items shall be kept separate from items that are disinfected and ready for use.

63.11(8) Disinfectant solution shall be stored in the dispensary ~~and at each work station.~~

ITEM 9. Rescind rule 645—63.12(157) and adopt the following **new** rule in lieu thereof:

645—63.12(157) Blood exposure procedures.

63.12(1) If a student or licensee injures oneself, the following steps shall be taken before the student or licensee returns to service:

- a. Stop service.
- b. Clean the injured area by washing the area with soap and water. Use antiseptic or ointment as appropriate.
- c. In the case of mucous membrane exposure, wash or rinse the affected area with plenty of water.
- d. Cover the injury with the appropriate dressing.
- e. Clean the client and station as necessary. First, remove all visible debris and then clean the client with an antiseptic that is appropriate for the skin and clean the station with disinfectant.
- f. Bag any blood-soiled porous articles and dispose of articles in the trash.
- g. Wash and disinfect all nonporous items.
- h. Wash hands before returning to service.

63.12(2) If a client injury occurs, the following steps shall be taken:

- a. Stop service.

- b. Glove hands of students or licensees.
- c. Clean injured area and use antiseptic or ointment as appropriate.
- d. Cover the injury with the appropriate dressing to prevent further blood exposure.
- e. Clean station by removing all visible debris and using disinfectant that is appropriate for the soiled surface.
- f. Bag any blood-soiled porous articles and dispose of articles in the trash.
- g. Wash and disinfect all nonporous items.
- h. Wash hands before returning to service.

ITEM 10. Rescind rule 645—63.13(157) and adopt the following new rule in lieu thereof:

645—63.13(157) Disinfecting and sterilizing instruments and equipment. All nonporous tools and implements must be either disinfected or sterilized according to the requirements of this rule before use upon a client in schools and salons.

63.13(1) Disinfection.

a. Nonporous tools and implements.

(1) Immersion method. After each use, all immersible nonporous tools and implements shall be disinfected by cleaning the tools and implements followed by complete immersion in a disinfectant. Disinfectant solutions shall be mixed according to manufacturer label instructions. The manufacturer's listed contact time for effectively eliminating all pathogens listed shall be adhered to at all times.

(2) Nonimmersion method. After each use, any nonporous item that cannot be immersed in a disinfectant shall be cleaned with soap or detergent and water to remove all organic material and then sprayed or wiped with disinfectant. Minimum disinfectant contact time as listed on the manufacturer's label shall be followed. Nonimmersible tools and implements include but are not limited to scissors, trimmers, clippers, handles of hair dryers and curling/flat irons.

b. Disinfected implements shall be stored in a disinfected, dry, covered container and shall be isolated from contaminants. Such container shall be disinfected at least once each week and whenever visibly dirty.

c. Disinfectant solutions shall be changed as instructed on the solution's manufacturer label or whenever visibly dirty.

d. Electric file bits.

(1) After each use, all visible debris shall be removed from diamond, carbide, natural and metal bits by cleaning with either an ultrasonic cleaner or immersion of each bit in acetone for 5 to 10 minutes.

(2) After they are cleaned, diamond, carbide, natural and metal bits shall be disinfected by complete immersion in an appropriate disinfectant. Minimum disinfectant contact time as listed on the manufacturer's label shall be followed.

63.13(2) Sterilization. UV light boxes are prohibited and are not an acceptable method of sterilization.

a. Tools and implements may be sterilized by one of the following methods:

(1) Steam sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121°C/250°F, for at least 30 minutes;

(2) Dry heat sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171°C/340°F, for at least 60 minutes;

(3) Autoclave sterilization equipment, calibrated to ensure that it reaches the temperature required by the manufacturer's instructions. If autoclave sterilization equipment is utilized, spore testing by a contracted independent laboratory shall be performed at least every 30 days. If a positive spore test is received, the autoclave may not be used until a negative spore test is received. The salon must maintain a log of each autoclave use, all testing samples and results, and a maintenance log of all maintenance performed on the device. Maintenance shall be performed according to the manufacturer's instructions. The salon must have available for inspection the autoclave maintenance log for the most recent 12 months; or

(4) Chemical sterilization with a hospital grade liquid which, if used, shall be used according to the directions on the label. When chemical sterilization is used, items shall be fully submerged for at least 10 minutes.

b. Sterilization equipment shall be maintained in working order. The equipment shall be checked at least monthly and calibrated to ensure that it reaches the temperature required by the manufacturer's instructions.

This rule is intended to implement Iowa Code section 157.6.

ITEM 11. Amend rule 645—63.14(157) as follows:

645—63.14(157) Instruments Porous instruments and supplies that cannot be disinfected. ~~Instruments~~ Porous instruments and supplies that come into direct contact with a ~~patron~~ and client cannot be disinfected, ~~for example,~~ These instruments and supplies include but are not limited to cotton pads, sponges, wooden applicators, emery boards, pumice stones, nail buffers, buffing bits, arbor or sanding bands, sleeves, toe separators and neck strips. ~~These are single-use items and shall be disposed of in a waste receptacle immediately after use.~~

ITEM 12. Rescind and reserve rule **645—63.15(157).**

ITEM 13. Amend rule 645—63.16(157) as follows:

645—63.16(157) Sanitary Infection control methods for creams, cosmetics and applicators.

63.16(1) Liquids, creams, waxes, powders and cosmetics used for ~~patrons~~ clients must be kept in closed, labeled containers.

63.16(2) All fluids, semifluids and powders must be dispensed with an applicator or from a shaker, dispenser pump, or spray-type container.

a. Applicators made of a washable, nonabsorbent material shall be ~~sanitized~~ cleaned and disinfected before being used on a client and shall only be dipped into the container one time before being cleaned and disinfected again; ~~and.~~

b. Applicators made of wood shall be discarded after a single dip, which would be one use.

c. Roll-on wax products are prohibited.

ITEM 14. Amend subrules 63.18(2) and 63.18(3) as follows:

63.18(2) ~~No salon or school shall have on the premises any razor-edged device or tool which is designed to remove skin.~~ All razor-edged, grating or rasp microplaner pedicure instruments designed to remove skin from the bottoms and sides of feet are prohibited. The presence of such equipment shall be prima facie evidence of the equipment's use.

63.18(3) ~~Fish pedicures~~ Procedures involving any animal (e.g., fish, leeches, snails) are prohibited in salons and schools.

ITEM 15. Adopt the following new subrule 63.18(5):

63.18(5) No salon or school shall use plastic sleeves or envelopes to store cleaned and disinfected implements unless the implements stored in the plastic sleeves or envelopes have actually been sterilized pursuant to paragraph 63.13(2) "a."

ITEM 16. Amend rule 645—63.19(157) as follows:

645—63.19(157) Proper protection of neck. A shampoo apron, haircloth, or similar article shall not be placed directly against the neck of a ~~patron~~ client but shall be kept from direct contact with the ~~patron~~ client by means of a paper neckband or clean towel. A neckband of paper shall not be used more than once. Towels or cloth neckbands shall not be used more than once without proper laundering.

ITEM 17. Amend rule 645—63.20(157) as follows:

645—63.20(157) Proper laundering and storage. All cloth towels, robes and similar items shall be laundered in a washing machine with laundry detergent used according to the manufacturer's directions.

All linens shall be dried until hot to the touch. No moisture shall be left in laundered items. A clean storage area shall be provided for clean towels and linen, and a covered hamper or receptacle marked "used" shall be provided for all soiled towels, robes and linens.

ITEM 18. Amend rules 645—63.24(157) to 645—63.26(157) as follows:

645—63.24(157) Salons and schools providing electrology or esthetics. A salon or school in which electrology or esthetics is practiced shall follow the sanitation infection control rules and requirements pertaining to all salons and schools and shall also meet the following requirements:

1. The electrology or esthetics room shall have adequate space, lighting and ventilation.
2. The floors in the immediate area where the electrology or esthetics is performed shall have an impervious, smooth, washable surface.
3. All service table surfaces shall be constructed of impervious, easily cleanable disinfected material.
4. Needles, probes and lancets shall be single-client use and disposable.
5. Licensees providing electrology services shall wear gloves.

645—63.25(157) Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas.

63.25(1) After use for each client:

- a. Drain the water and remove any visible debris;
- b. Clean the surfaces according to the manufacturer's instructions, use a brush to remove all film, and rinse the tub, bowl, or spa basin;
- c. Fill the tub, bowl, or spa basin with water and add ~~an EPA-registered, bactericidal, virucidal, fungicidal, pseudomonacidal, and tuberculoecidal disinfectant that is effective against HIV-1 and human Hepatitis B virus. The disinfectant shall be mixed and used according to the manufacturer's directions;~~
- d. Allow the disinfectant to stand for noncirculating tubs, bowls, or basins or to circulate for circulating tubs, bowls, or basins for the time specified according to the manufacturer's instructions;
and
- e. After disinfection, drain and rinse with clean water.

63.25(2) At the end of the day, remove all removable parts from circulating tubs, such as filters, screens, drains, and jets, and clean and disinfect the removable parts as follows:

- a. Scrub with a brush and soap or detergent until free from debris, and then rinse.
- b. Completely immerse in ~~an EPA-registered, bactericidal, virucidal, fungicidal, pseudomonacidal, and tuberculoecidal disinfectant that is effective against HIV-1 and human Hepatitis B virus. The disinfectant shall be mixed and used according to the manufacturer's directions.~~
- c. Rinse and air dry.
- d. Replace the disinfected parts into the tubs, bowl, or basin or store the parts in a disinfected, dry, covered container that is isolated from contaminants.

63.25(3) For each pedicure station, a record shall be made of the date and time of the daily cleaning and disinfecting. This record shall be made at or near the time of cleaning and disinfecting. Records of cleaning and disinfecting shall be made available upon request by a ~~patron~~ client, inspector or investigator. The record must be signed by a licensee and include the licensee's license number beside each recorded cleaning event. Foot spa records shall be maintained for two years from the date of the cleaning.

645—63.26(157) Paraffin wax. Paraffin wax shall be used according to the manufacturer's instructions and shall be used in such a manner so as not to contaminate the remaining wax in the paraffin bath. The following procedures apply:

1. The client shall be free of broken skin or any skin disorder;
2. Hands or feet of a client shall be cleaned ~~and sanitized~~ before being dipped into paraffin wax.
The client's hands and feet shall not be dipped into the original wax container. The wax shall be removed from the original container and placed in a single-use bag before dipping. Any unused wax remaining in the single-use bag shall be discarded after dipping;

3. Paraffin wax that has been removed from a client's hands or feet shall be discarded after each use; and
4. Paraffin wax shall be kept free of any debris and kept covered when not in use.

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